2: Schapera E-4, 5 (no date) 1930
FX13 Hottentot FX13
Nama

428 temporary service rendered him by the newly-married husband. He also inherits a greater portion of his father's estate than do the other children. In particular he acquires all the live stock, with the exception of those animals previously allocated by the father during his lifetime to other sons and daughters. These animals with their increase pass at the division of the estate into the full possession of the children for whom they had been set aside. The rest of the property—presumably the material objects—is divided equally between all the children, under the supervision of the chief. The widow, however, retains all the objects brought by her into the marriage (this would, therefore, include the hut), as well as everything, including cattle, given her by her husband during his lifetime. Here, it will be noticed, all the children, both sons and daughters, participate to some extent in the inheritance, and the concept of individual possession is fully illustrated in both the distribution of the goods and the retention by the widow and minor heirs of property acquired by them from the dead man during his lifetime.[1]

Wandres, and following him Vedder, specifies more minutely, and also somewhat differently, the Nama laws of inheritance. If a man dies his wife and all his children, sons and daughters, are heirs in equal portions. The estate may not be divided as long as the widow is alive, unless she wishes to return to her own people. The inheritance is then distributed by the chief, and the widow receives her portion, together with that of the youngest child, whom she takes with her. If the wife dies before the husband, her property is inherited by him and the children, i.e. it remains in the family. When both the parents are dead, the estate is divided up by the chief, who is compensated for his task, which is often by no means a sinecure. The estate is divided equally amongst the children, sons and daughters alike, the eldest son being regarded as the trustee, under the supervision of the father's eldest living brother. Children born to a woman [848] before marriage normally pass into the possession of their real father, and therefore do not inherit from the man she subsequently marries. The illegitimate children of a man, on the other hand, are entitled to the same share of his estate as his other children. Children born to a woman in adultery can also inherit from her husband, if he pardons her and adopts them.

429 If the children are still minors, their nearest male relative or the grandparents on either side act as their guardians and as the trustees

[1] Schinz, op. cit., 100; von François, op. cit., 216–17; Kohler, op. cit., 344, 347.

2: Schapera E-4, 5 (no date) 1930
FX13 Hottentot FX13
Nama

f the stock. The rights of the guardian cannot be interfered with 429
y the chief or the tribal council, but as he is always closely watched
y the other relatives he cannot easily appropriate anything in an
legal manner. When a childless couple die, the estate goes to their 428
arents, those of the husband having first claim. When the parents
re also dead, the chief divides the estate among the more remote
elatives of the deceased, the following order of preference being
bserved: husband's eldest sister's children, husband's brothers,
usband's sisters, wife's sisters, husband's brother's children, children
f the husband's remaining sisters, wife's sisters' children. The
rothers of the dead wife, Wandres remarks, do not inherit, since,
ccording to the ideas of the Naman, they belong to another family.
A portion of the estate is also claimed by the chief, in return for his
upervision.

These traditional laws of inheritance can only be departed from
f a man during his lifetime stipulates that after his death certain
f his goods are to be given to his *sore*-companion, friends, more
emote relatives, etc. This voluntary testament, *gus*, must be made
rally before witnesses, and is usually abided by conscientiously,
lthough the chief has to see that the nearer relatives do not suffer
y it.[1]

It is doubtful to what extent this formulation of the laws of
nheritance can be relied upon. It is certainly far more elaborate than
hat given by any other writer, and should therefore probably be
egarded as more accurate. But the statement that all children inherit
n equal shares does seem at variance with the honoured position of
he oldest brother among the Naman, and the other writers, as we
ave seen, all state that the eldest son is the principal heir. The
nformation about oral wills, again, also stands in need of confirmation.
Here the lack of definite case-histories of inheritance once more makes
itself felt, as concrete examples would have enabled one to clear up
he discrepancies in the different statements of the laws of inheritance.
The general trend of the information is to show that a man's eldest
on is the principal heir, and that the other children inherit to only
minor degree. Apparently both men and women can acquire property [562]
n this way, and the possessions inherited are held individually.

[1] Wandres, op. cit., 683–5; Vedder, op. cit., 145.

5: Vedder M-5 (ca. 1910) 1928
FX13 Hottentot FX13
NAMA

their herds or lived, are regarded as territory of the tribe. 423
At present these disputes do not occur any more since tribal possession of land has ceased to exist and reserves have been granted to individual tribes as usufruct and not as property. Consequently it is of no further interest to consider these old rights. They had rights of pasturage, honey, hunting, springs and water, etc., but these have ceased to exist. The Administration fixes legal boundaries for their reserves.

8. The facts with reference to hereditary rights are, how- 428
ever, quite different, for up to now the legislation of the Administration has not tampered with the rights of inheritance among the Nama—a fact which is very pleasing. As [643]
has been said, the chieftainship is inherited from the father by the eldest son. In case the chief has no sons, the sons of the eldest brother of the chief are the nearest relations entitled to the inheritance. The children inherit everything from their parents, the heritage being divided equally amongst the sons and daughters and the eldest son is regarded as the administrator of the estate under the supervision of the eldest living brother of the father.

If the children are still under age and the grandparents 429
are still alive, then they act on behalf of the guardian and take the orphans and their heritage to themselves. When childless parents die, their parents take possession of their 428
estate. When they also are dead, the chief divides the estate among the relatives, the following order being observed: the eldest sister of the husband, the brothers of the father of the late man, the sisters of the father, the sisters of the mother, the children of the brothers of the deceased, the children of the remaining sisters of the deceased, the children of his mother's sisters.

Illegitimate children of the man are entitled to an inheri- 428
tance just as the other children. Illegitimate children of the 848
mother have no claim to the inheritance as they belong to their father's family, who was obliged to support them in their first years and had taken care of them after that.

They could only depart from this law of inheritance on the oral testimony of the testator arranging it. They usually abided conscientiously by such stipulations in reverence for the deceased; and fear that the deceased might take revenge for their not complying with the stipulations of his will played no part in it.

X. Civilisation and Modern Times.

The nomadic Nama tribes had already been affected by 177
European civilisation from three different sides a hundred years ago. There were the Orlam tribes who immigrated gradually towards the beginning of last century, then the hunters and traders who travelled through the country and lastly the missionaries. It might seem strange that the